

**ENTERED**

May 05, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

MARCUS DOWNIE,

Plaintiff,

VS.

HERRMAN AND HERRMAN, *et al.*,

Defendants.

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CIVIL ACTION NO. 2:21-CV-00287

**ORDER**


Before the Court is Magistrate Judge Mitchell Neurock's Memorandum and Recommendation ("M&R"). (D.E. 18). The M&R recommends that the Court dismiss without prejudice Plaintiff's complaint (D.E. 1), pursuant to the screening provisions of the Prison Litigation Reform Act, for lack of subject matter jurisdiction. (D.E. 18); *see* 28 U.S.C. §§1915(e)(2)(B); 1915A(b)(1).

The parties were provided proper notice of, and the opportunity to object to, the Magistrate Judge's M&R. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b); General Order No. 2002-13. No objection has been filed. When no timely objection has been filed, the district court need only determine whether the Magistrate Judge's M&R is clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (per curiam); *Powell v. Litton Loan Servicing, LP*, No. CIV. A. H-14-2700, 2015 WL 3823141, at \*1 (S.D. Tex. June 18, 2015).

Having carefully reviewed the proposed findings and conclusions of the Magistrate Judge, the filings of the parties, the record, and the applicable law, and finding

that the M&R is not clearly erroneous or contrary to law, the Court **ADOPTS** the M&R in its entirety. (D.E. 18). Accordingly, Plaintiff's complaint is **DISMISSED without prejudice** for lack of subject matter jurisdiction. (D.E. 1).

SO ORDERED.



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DAVID S. MORALES  
UNITED STATES DISTRICT JUDGE

Signed: Corpus Christi, Texas  
May 3<sup>rd</sup>, 2022